



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2006-3283-EST
Issue Date: 5 October 2007
Expiration Date: 5 November 2007

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

APPLICANT: Mr. Russell C. McCall
275 Spring Street, SW
Atlanta, GA 30303

ACTIVITY: Construction of 85 LF of vinyl seawall in front of the existing concrete seawall, backfill with approximately 31 cubic yards of sand

WATERWAY: Great Peconic Bay

LOCATION: Mattituck, Suffolk County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (16 U.S.C. 1855(b)), requires all federal agencies to consult with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be conducted prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. New York State Department of State has concurred with the applicant's certification. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's

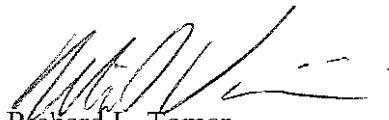
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PUBLIC NOTICE NO. NAN-2006-3283-EST

certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: the NYSDEC Permit and the Town of Southold Permit.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8533 and ask for Leo Strogach.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
For Chief, Regulatory Branch

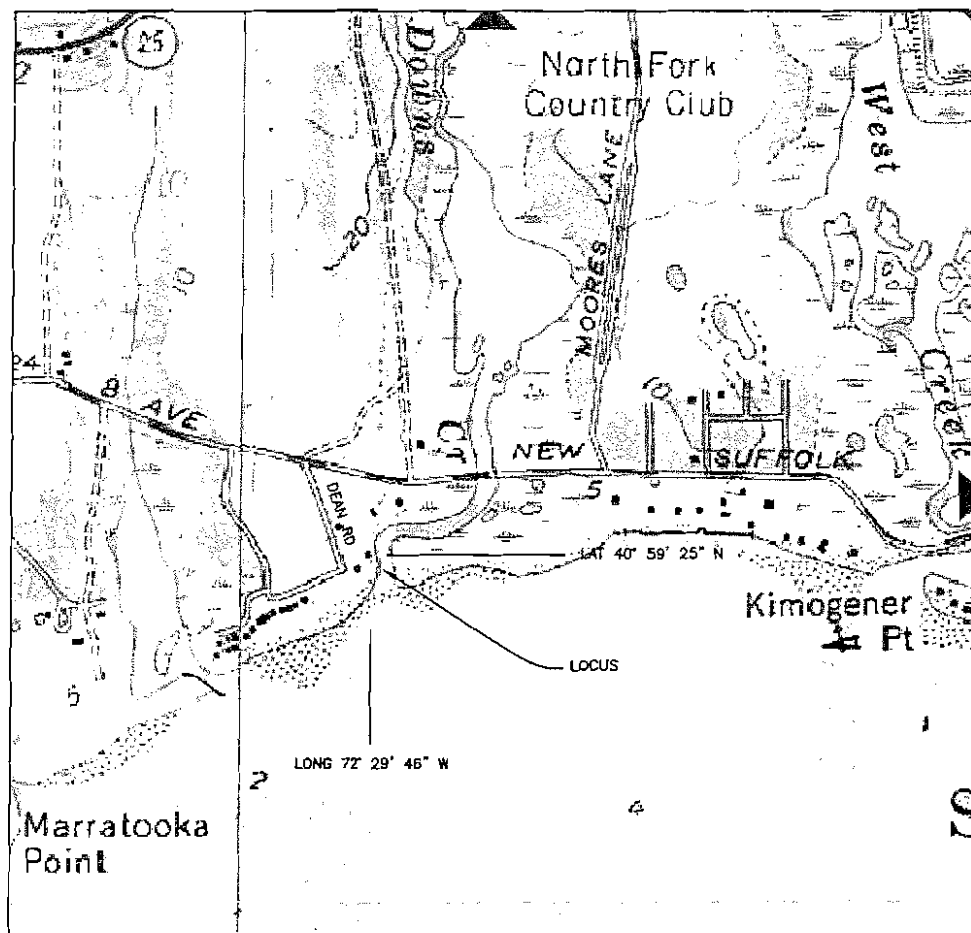
Enclosures

WORK DESCRIPTION

The applicant, Mr. Russel C. McCall, has requested Department of the Army authorization to construct a new vinyl seawall in Great Peconic Bay, in the Village of Mattituck, Suffolk County, New York.

The work would involve the following: construction of an 85 L.F. of new vinyl seawall 15 inches waterward of an existing concrete seawall and backfilling of the space between both seawalls with approximately 31 cubic yards of clean sand.

The stated purpose of this project is to provide shore protection for the existing structure.



ENHANCED LOCATION MAP
SOUTHAMPTON, NY QUADRANGLE
U.S. GEOLOGICAL SURVEY
NO SCALE

SEAWALL CONSTRUCTION
GREAT PECONIC BAY
MATTITUCK
TOWN OF SOUTHOLD
APPLICANT: RUSSELL C. McCALL
DRAWN BY: D. CORWIN
SHEET 1 OF 6
JULY 28, 2006

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ADJACENT PROPERTY OWNERS

LOT 1.2
1000-116-6-1.2
10100 NEW SUFFOLK AVE
RICHARD FRAGASZY
1091 SUMMIT CIR
WATKINSVILLE GA 30677

LOT 1.1
1000-116-6-1.1
10006 NEW SUFFOLK AVE
GLADYS SHRIPIKA
48 SNOWBERRY CT
RED BANK NJ 07701

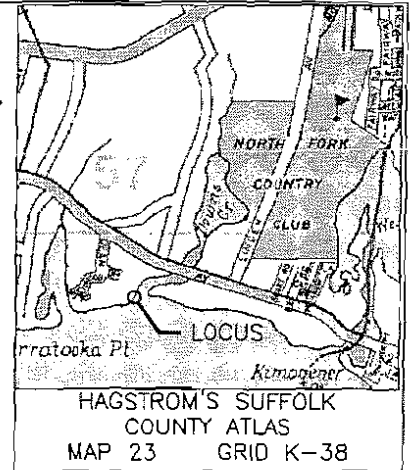
LOT 2
1000-116-6-2
10098 NEW SUFFOLK AVE
JAMES & MARY JANE MILTON
20 HEMLOCK RD
SHORT HILLS NJ 07078

LOT 3 (APPLICANT)
1000-116-6-3
10140 NEW SUFFOLK AVE
JENNY LLC
C/O JEROME A. ZIVIAN, ESQ
4540 HIGHWAY 20E
NICEVILLE FL 32578

LOT 4
1000-116-6-4
10230 NEW SUFFOLK AVE
REMCC LLC, LMNY LLC
10725 NEW SUFFOLK AVE
CUTCHOGUE NY 11935

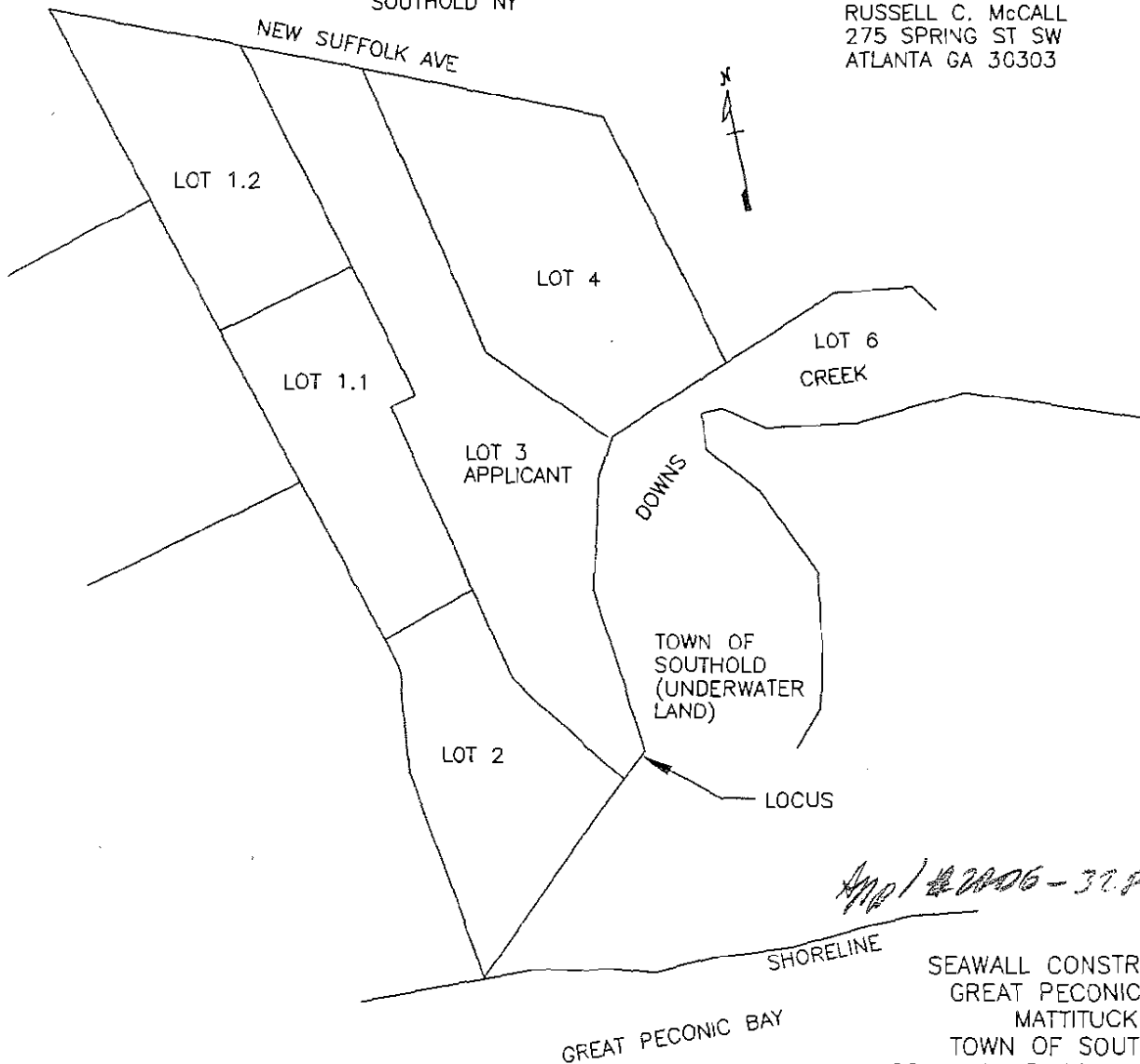
LOT 6
1000-116-6-6
TOWN OF SOUTHOLD
(UNDERWATER LAND)
MAIN RD
SOUTHOLD NY

LAT 40° 59' 25"
LONG 72° 29' 46"



VICINITY MAP

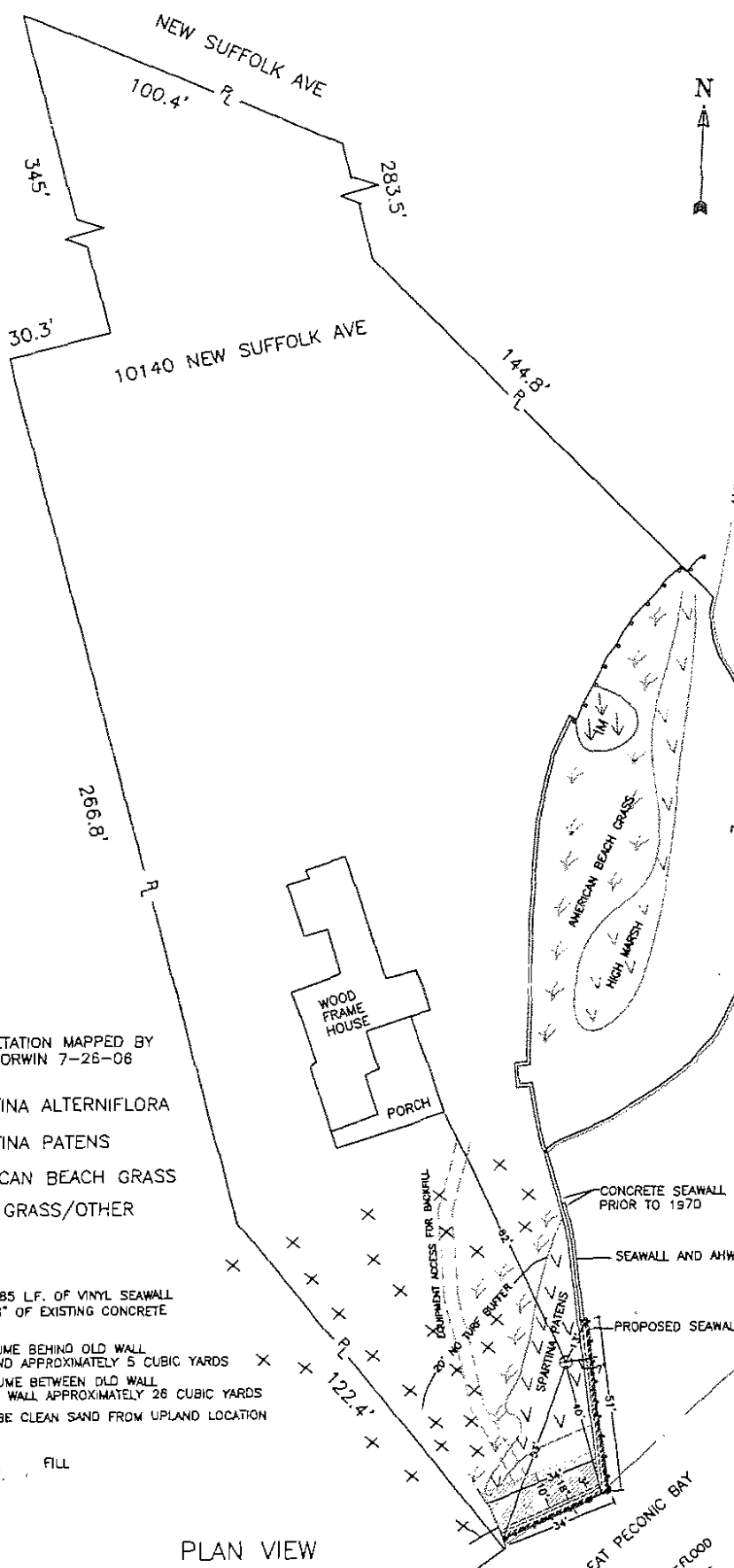
APPLICANT MAILING ADDRESS:
RUSSELL C. McCALL
275 SPRING ST SW
ATLANTA GA 30303



LOCATION MAP
NO SCALE

App/2006-32.P3

SEAWALL CONSTRUCTION
GREAT PECONIC BAY
MATTITUCK
TOWN OF SOUTHOLD
APPLICANT: RUSSELL C. McCALL
DRAWN BY: D. CORWIN
SHEET 2 OF 6
MAY 24, 2006



VEGETATION MAPPED BY
D. CORWIN 7-26-06

- ↓ SPARTINA ALTERNIFLORA
- V SPARTINA PATENS
- ✓ AMERICAN BEACH GRASS
- X TURF GRASS/OTHER

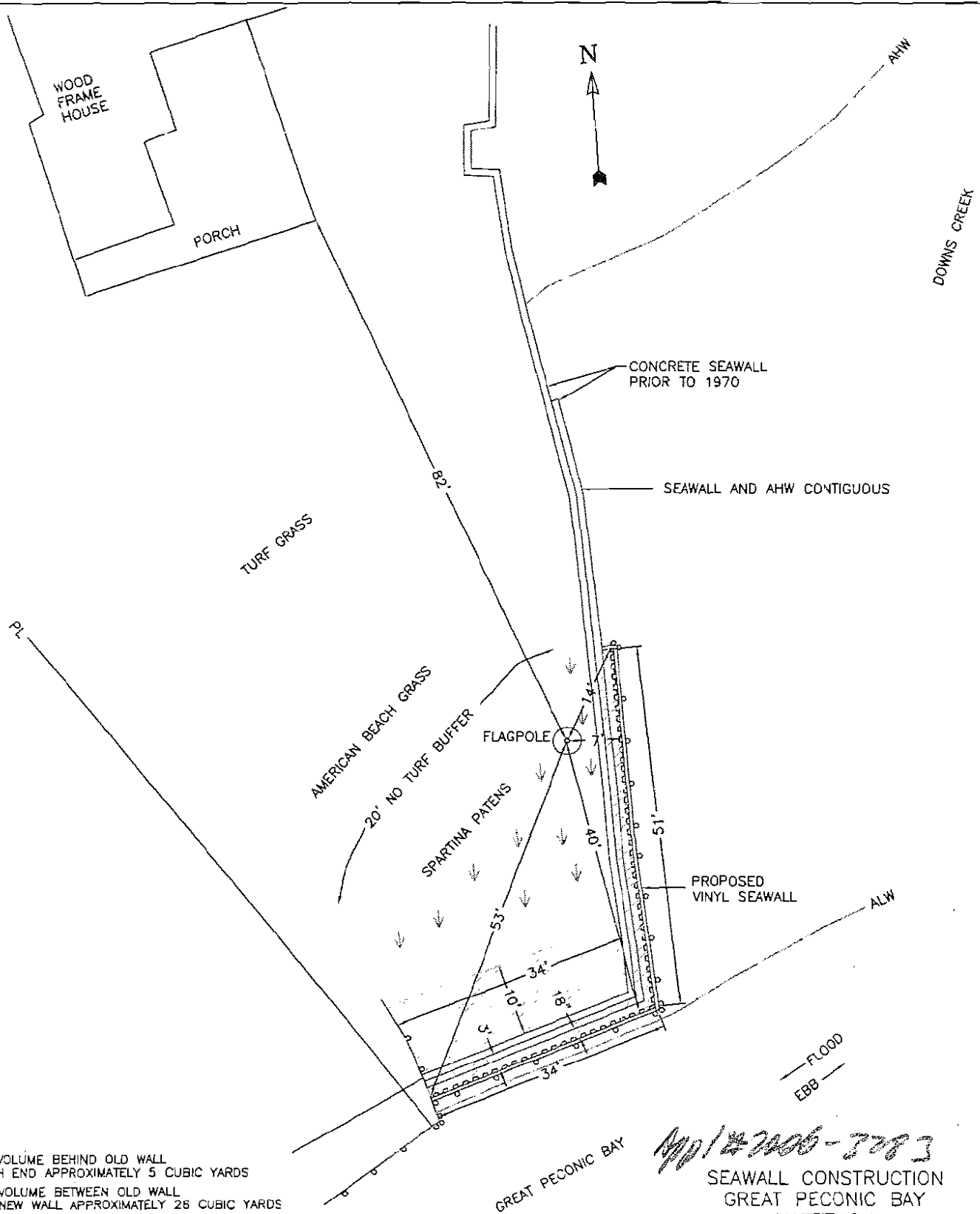
REPLACE 85 L.F. OF VINYL SEAWALL
WITHIN 18" OF EXISTING CONCRETE
SEAWALL

- FILL VOLUME BEHIND OLD WALL
SOUTH END APPROXIMATELY 5 CUBIC YARDS
- FILL VOLUME BETWEEN OLD WALL
AND NEW WALL APPROXIMATELY 26 CUBIC YARDS
- FILL TO BE CLEAN SAND FROM UPLAND LOCATION

FILL

PLAN VIEW
SCALE 1"=50'

App/2006-3283
SEAWALL CONSTRUCTION
GREAT PECONIC BAY
MATTITUCK
TOWN OF SOUTHOOLD
APPLICANT: RUSSELL D. McCALL
DRAWN BY: D. CORWIN
SHEET 3 OF 6
JULY 28, 2006
REVISED AUGUST 12, 2006
REVISED AUGUST 25, 2006



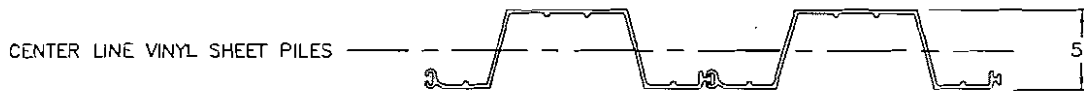
FILL VOLUME BEHIND OLD WALL
SOUTH END APPROXIMATELY 5 CUBIC YARDS
FILL VOLUME BETWEEN OLD WALL
AND NEW WALL APPROXIMATELY 28 CUBIC YARDS
FILL TO BE CLEAN SAND FROM UPLAND LOCATION

FILL

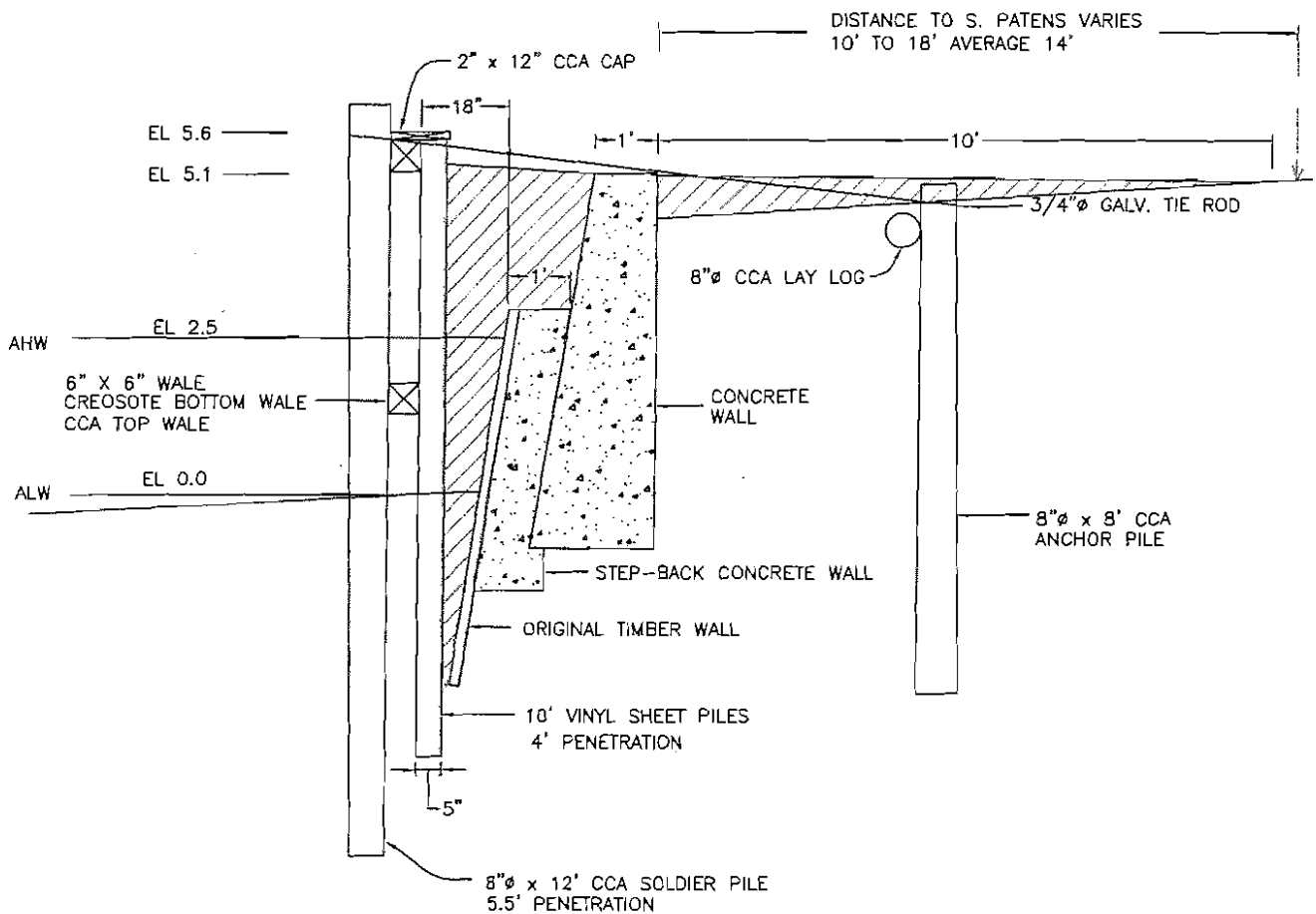
PLAN VIEW
SCALE 1"=20'

DATUM ALW 0.0

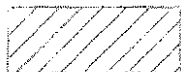
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SEAWALL CONSTRUCTION
GREAT PECONIC BAY
MATTITUCK
TOWN OF SOUTHOLD
APPLICANT: RUSSELL C. McCALL
DRAWN BY: J. CORWIN
SHEET 4 OF 6
MAY 24, 2006
REVISED JULY 28, 2006



SG 225 VINYL SHEET TOP VIEW



FILL VOLUME BEHIND OLD WALL
SOUTH END APPROXIMATELY 5 CUBIC YARDS
FILL VOLUME BETWEEN OLD WALL
AND NEW WALL APPROXIMATELY 26 CUBIC YARDS
FILL TO BE CLEAN SAND FROM UPLAND SOURCE



FILL AREA

DATUM MLW 0.0

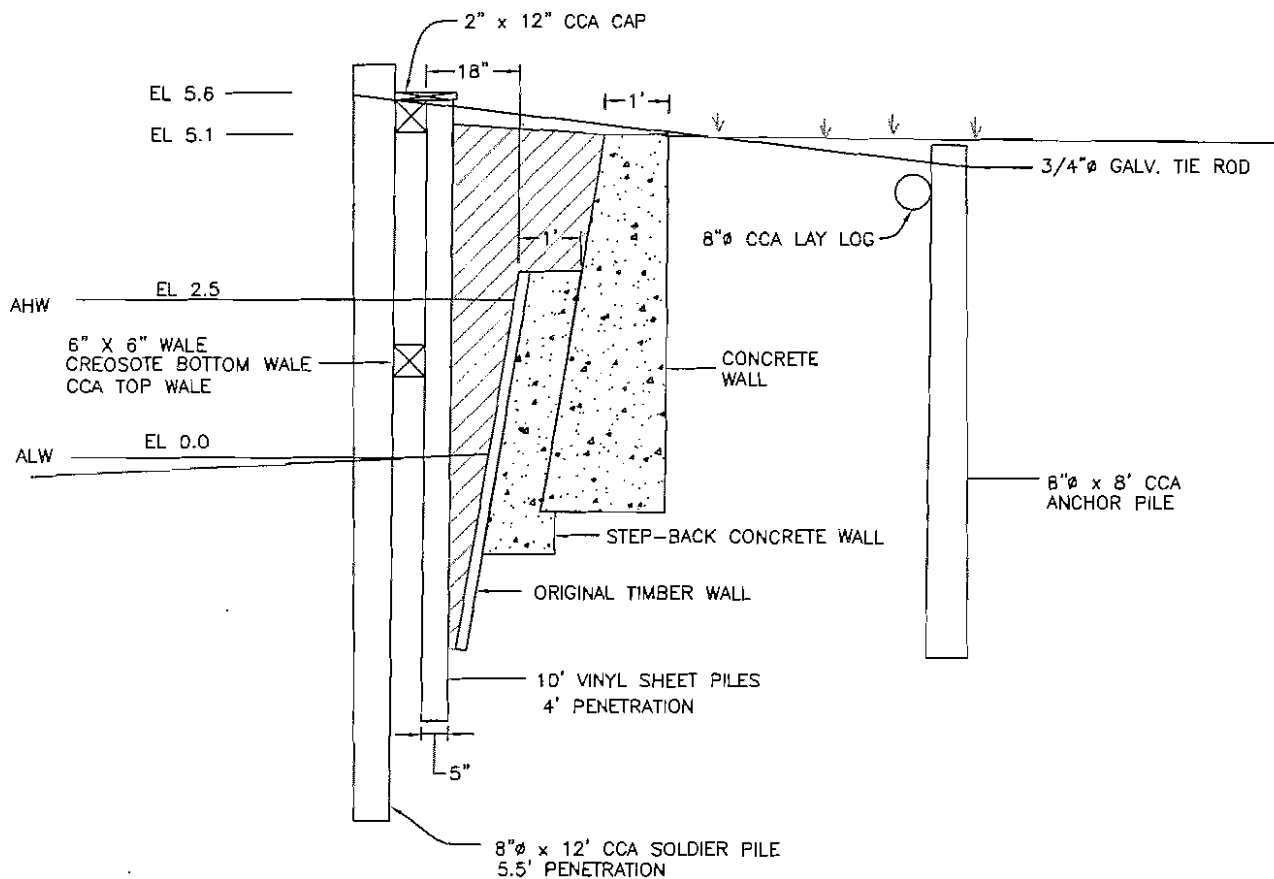
CROSSVIEW SOUTH SIDE
SCALE 1"=3'

App/ #2006-3283

SEAWALL CONSTRUCTION
GREAT PECONIC BAY
MATTITUCK
TOWN OF SOUTHOLD
APPLICANT: RUSSELL C. McCALL
DRAWN BY: D. CORWIN
SHEET 5 OF 6
MAY 24, 2006
REVISED JULY 28, 2006
REVISED AUGUST 12, 2006

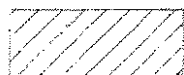


SG 225 VINYL SHEET TOP VIEW



FILL VOLUME BEHIND OLD WALL
SOUTH END APPROXIMATELY 5 CUBIC YARDS
FILL VOLUME BETWEEN OLD WALL
AND NEW WALL APPROXIMATELY 26 CUBIC YARDS
FILL TO BE CLEAN SAND FROM UPLAND SOURCE

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FILL AREA

CROSSVIEW EAST SIDE
SCALE 1"=3'

DATUM MLW 0.0

SEAWALL CONSTRUCTION
GREAT PECONIC BAY
MATTITUCK
TOWN OF SOUTHOOLD
APPLICANT: RUSSELL C. McCALL
DRAWN BY: D. CORWIN
SHEET 6 OF 6
JULY 28, 2006